

Supreme Court Board of Legal Document Preparers

Arizona State Courts Building
1501 West Washington, Phoenix, AZ 85007
Conference Room 230
10:00 .m. - 2:00 p.m.

June 10, 2003 Approved Minutes

Members Present:

Judge Ronald J. Steinle, III, Chair
Carol L. Wells
Dr. Roger E. Hartley
Donald F. Steward
J. Ward Sturm
Margaret J. Kleinman
Susan C. Vasquez
Vellia M. Pina

AOC Staff Present:

Linda Grau
Lauren Hargrave
Nina Preston
Doug Brooks

Members Absent:

Nancy Swetnam
Virlynn Tinnell
Mary Carlton

Guests:

Frank Hanna
Fran Johansen

Call to Order

The meeting was called to order by Judge Ronald J. Steinle, III at 10:01 a.m.

Judge Ronald J. Steinle was given Nancy Swetnam's proxy and Susan C. Vasquez was given Mary Carlton's proxy. Proxies will be exercised during voting session.

Review and Approval of Meeting Minutes

Regular Session Minutes of May 20, 2003

Executive Session Minutes of May 20, 2003

Discussion was held about the regular and executive session minutes of May 20, 2003. Ms. Carlton requested the following typographical errors be corrected:

Regular session: Page 3, Paragraph 5, inquires to inquiries
Executive session: Page 2, Paragraph 5, quested to questioned

Ms. Pina requested spelling corrections of Mr. Sturm's name be made throughout the minutes from Strum to Sturm.

A **motion** was made by Donald Steward and seconded by Susan Vasquez to adopt the regular and executive session minutes of May 20, 2003 as amended. Motion Passed Unanimously. **LDP-03-21**

Recommendations and Board Action

Review and discussion of Legal Document Preparer identification regarding Arizona Code of Judicial Administration §7-208 (F)(3)

Linda Grau advised the Board applications have been received from legal document preparers and business operators who do not have high school diplomas or GED's. According to the Arizona Code of Judicial Administration §7-208, Subsections (E)(3)(a)(5)(a) a minimum education requirement of high school or general equivalency diploma is required for certification. The Board discussed and reviewed possible solutions. The Board noted the minimum education requirement was placed within the code to insure individuals have minimum skills to provide document preparer services. The Board agreed they would not seek a code amendment regarding minimum education, but noted individual applicants may pursue a code amendment through the judicial process.

Review of Business Entity Exemption Process regarding Arizona Code of Judicial Administration §7-208 (E)(3)(c)

Linda Grau advised the Board the Arizona Code of Judicial Administration §7-208, Subsections (E)(3)(c) Administrative Order was signed by Vice Chief Justice McGregor on June 6, 20003. The Order addresses the establishment of an exemption process which would enable the board to review individual business applications for determination of appropriate exemption status and the refund of any fees attached to the original business entity application. Ms. Grau presented the Business Entity Exemption form to the Board for their approval.

A **motion** was made by Margaret J. Kleinman and seconded by J. Ward Sturm to adopt the Business Entity Exemption form. Motion Passed Unanimously. **LDP-03-22**

Review of Rule 31 of the Supreme Court of Arizona and §7-208 regarding Certification

Linda Grau advised the Board she has received a number of inquiries regarding specific examples of work product and inquiring if individuals who prepare corporate minutes, Automobile Associations employees, Homeowner Association Management Companies who prepare liens, contractors for the Court who provide written documentation of services/participation (Education Classes, TASC Lab Reports), real estate forms (loan paperwork, title company processing). Ms. Grau reported this issue was previously addressed by the Board deferred further discussion to the Arizona State Bar Advisory Committee, however, the level of inquiries and the depth of the inquiries merited further Board review. The Board reiterated most of these cases are clear and referred to Rule 31 (19) which addresses legal document preparation as "a regular course of business" when documents are "not made available to third parties".

Certificates, reports, etc. that are filed, are filed for themselves during the course of business, not for third parties. Nina Preston reported she would be able to advise the Program Coordinator with regards

to clear concise questions and answers, however if it involves interpretation for an applicant she will be unable to give advice. Legal Counsel is only able to advise the program, not the applicant.

A **motion** was made by Judge Ronald J. Steinle, III and seconded by J. Ward Sturm to allow the Board's Legal Advisor, under the parameters she has indicated, to advise the Program Coordinator. If the Legal Advisor feels the issue is a question of interpretation, the issue will be put on the next Board agenda for discussion. Motion Passed Unanimously. **LDP-03-23**

Fran Johansen of the State Bar requested the Board advise the State Bar regarding Rule 31 interpretation and exception inquiries. Linda Grau agreed to email inquiries and advice given out to the public to Ms. Johansen. The Board was in agreement.

Ms. Grau reported volunteers of the Court who are preparing legal documents for parties who are participating in mediation are inquiring about legal document preparer certification. The Board discussed Justice Court Mediation Programs and requested they submit to the Board an outline of the program, individuals working within the program, the function of the individual and what documents are completed by the individuals. If a mediator goes beyond reducing an agreement which resolves a dispute then they are acting beyond mediation capacity. Frank Hanna, Irish Attorney and mediation teacher, addressed the Board and stated individuals who mediate do prepare agreements that are legally binding documents and therefore would have to be a legal document preparer. Mr. Hanna stated the exemption in Rule 31 which allows mediators to mediate but not allow mediators to prepare a legal document is a concern to mediators throughout the state.

A **motion** was made by Judge Ronald J. Steinle, III and seconded by Donald Steward if the Program Coordinator receives an inquiry from any mediation program associated with any Court in the state of Arizona they shall submit a request to the Board to review the program to determine if the program is mediation and/or document preparation. Motion Passed Unanimously. **LDP-03-24**

The Board asked for public input/comments regarding individuals/businesses on the list of applications pending initial certification. No public comment was received.

Executive Session

A **motion** was made by Judge Ronald J. Steinle, III and seconded by Carol L. Wells to go into Executive Session to discuss records exempt by law or rule from public inspection or for advice of counsel. Motion Passed Unanimously. **LDP-03-25**

Executive Session ended.

Review of Applications

Information on applications pending for the Legal Document Preparer Program.

The following legal document preparer requested she be granted Initial Individual Certification and Initial Business Entity Certification based on documentation provided showing all qualifications for Initial Certification.

Mary Carlton

Mary Carlton, LLC

A **motion** was made by Judge Ronald J. Steinle, III and duly seconded to grant Initial Individual Certification and Initial Business Entity Certification of the two applicants listed above, based on documentation provided showing they meet all qualifications for Initial Certification. Motion Passed Unanimously. Mary Carlton's proxy was not exercised. **LDP-03-25**

(During Executive Session the Board reviewed the confidential record of each legal document preparer and business entity and for purposes of the public session will identify the groups as A,B,C,D,E,F,G,H,I,J,K)

A B C D E F G H I J K

A **motion** was made by Judge Ronald J. Steinle, III and seconded by Vellia M. Pina to defer the applications of the above listed applicants discussed in Executive Session for the purpose of receiving further information which will be considered at the next meeting. Motion Passed Unanimously. **LDP-03-26**

The following legal document preparer requested she be granted Initial Business Entity Certification based on documentation provided showing all qualifications for Initial Certification.

Blackwood, LLC

A **motion** was made by Judge Ronald J. Steinle, III and seconded by Donald F. Steward to grant Initial Business Entity Certification of the applicant listed above, based on documentation provided showing all qualifications for Initial Certification have been met. Motion Passed Unanimously. **LDP-03-27**

(During Executive Session the Board reviewed the confidential record of each legal document preparer and business entity and for purposes of the public session will identify the groups as Group 1 and Group 2)

Group 1

Group 2

A **motion** was made by J. Ward Sturm and seconded by Donald F. Steward to defer the above listed groups of applications discussed in Executive Session for the purpose of deferral to a subcommittee for further investigation. Motion Passed Unanimously. **LDP-03-28**

A motion by Judge Ronald J. Steinle, III and seconded by Donald F. Steward to form a Board subcommittee made up of Judge Ronald J. Steinle, III, Carol L. Wells, Susan C.

Vasquez. The subcommittee can designate individuals to conduct further background checks to report back to the subcommittee. The subcommittee will report back to the Board with recommendations. Motion Passed Unanimously. **LDP-03-29**

The following legal document preparer requested they be granted Initial Individual Certification based on documentation provided showing all qualifications for Initial Certification.

Donna Allison-Howard	Nancy Anderson	William Arnold
Jennifer Bell	David Bishop	Mark Bluemke
Thomas Bojorquez	Paul Brown	Roger Brown
Mauel Cisneros	Roger Dandis	Patrick Ertz
Michele Esslinger	Javier Flores	Mirtha Fore
Randy Furse	Carlos Galindo	Pamela Galindo
Estelle Gaudreau	Nancy Gilliam	Gilbert Gomez
Hildelisa Gonzalez-Fraga	David Goulet	Carol Gray
Daniel Gray	Daphne Haigh	Derek Haigh
Julie Haigh	Christopher Hoyt	Richard Hoyt
James Jennings	Sumer Jennings	Dawn Kaiser
Debra Klement	Lori Kort	Leonora Lagas
Elizabeth Lloyd	Kimberly Lovelace	Tammy Mainhall
M. Dolores Martinez Gomez	Edgar Meza	Nadia Meza
Karla Motsenbocker		

A **motion** was made by Judge Ronald J. Steinle, III and seconded by Donald F. Steward to grant Initial Individual Certification of the applicants listed above, based on documentation provided showing they meet all qualifications for Initial Certification. Motion Passed Unanimously. **LDP-03-30**

Donald F. Steward named Dr. Roger E. Hartley as his proxy. Nancy Swetnam's, Mary Carlton's and Donald Steward's proxies will be exercised during the next voting session.

A **motion** was made by Judge Ronald J. Steinle, III and seconded by J. Ward Sturm to receive from the Program Coordinator a confidential memorandum outline for executive session discussions, listing issues to be raised regarding each application. Motion Passed Unanimously. **LDP-03-31**

Executive Session

A **motion** was made by Judge Ronald J. Steinle, III and seconded by Susan C. Vasquez to go into Executive Session to discuss records exempt by law or rule from public inspection or for advice of counsel. Motion Passed Unanimously. **LDP-03-32**

Executive Session ended.

A **motion** was made by Judge Ronald J. Steinle, III and seconded by J. Ward Sturm to reconsider certification of Roger Brown for him to provide additional information involving

his experience with the Bankruptcy Court. Motion Passed Unanimously. **LDP-03-33**

The following legal document preparer requested he be granted Initial Individual Certification and Initial Business Entity Certification based on documentation provided showing all qualifications for Initial Certification.

Jose Robledo

A **motion** was made by Judge Ronald J. Steinle, III and seconded by Margaret J. Kleinman to deny the above listed individual applicant Initial Certification. Motion Passed 8-1. **LDP-03-34**

(During Executive Session the Board reviewed the confidential record of each legal document preparer and for purposes of the public session will be identified as L and M)

L

M

A **motion** was made by Judge Ronald J. Steinle, III and seconded by Dr. Roger E. Hartley to defer the above listed groups of applications discussed in Executive Session for the purpose of deferral to a subcommittee for further investigation. Motion Passed Unanimously. **LDP-03-34**

The following legal document preparers requested they be granted Initial Individual Certification based on documentation provided showing all qualifications for Initial Certification.

Darren Ortiz

Edward Osinski

Guadalupe Salinas

Lupita Shestko-Montiel

Jack Sides

Hayden Sinchak

Jette Stevens

Karen Strauss

Darlene Thurman

Di Anne Wentzloff

Tina Wickland

Billye Wilda

Donna Vasquez

A **motion** was made by J. Ward Sturm and seconded by Vellia M. Pina to grant Initial Individual Certification of the applicants listed above, based on documentation provided showing all qualifications for Initial Certification have been met. Motion Passed Unanimously. **LDP-03-35**

The following legal document preparers requested they be granted Initial Business Entity Certification based on documentation provided showing all qualifications for Initial Certification.

ABC E-Z Legal Forms & Packets

Agencia Hispana

Awareness Legal Services

C.E. Claims & Services, LLC

Discount Divorce Professionals, LLC

DOC-U-PREP

Edward Osinski, Jr. CPA, PC

Esslinger Enterprises, LLC

Guardian Financial Planning Services, Inc.

Lagas & Associates Paralegal Services, LLC
Lloyd Paralegal Services, LLC
Majestic Paralegal Center
Moon Valley Legal Services, Inc.
Reliable Solutions, Inc.
Richard C. Hoyt & Associates, Inc.
Stevens Paralegal Services, LLC
TFC Ventures, Inc.
White Mountain Paralegal Services, LLC

A **motion** was made by Carol L. Wells and seconded by Susan C. Vasquez to grant Initial Business Entity Certification of the applicants listed above, based on documentation provided showing all qualifications for Initial Certification have been met. Motion Passed Unanimously. **LDP-03-36**

The following legal document preparer requested he be granted Initial Business Entity Certification based on documentation provided showing all qualifications for Initial Certification.

Robledo Tax & Immigration Service

A **motion** was made by Judge Ronald J. Steinle, III and seconded by Margaret J. Kleinman to deny the above listed individual applicant Initial Business Entity Certification. Motion Passed 8-1. **LDP-03-37**

Call to the Public

There was no response.

Next meeting is Tuesday, June 24, 2003 at 10:00 a.m..

Adjournment

A **motion** was made by Judge Ronald J. Steinle, III and seconded by J. Ward Sturm to adjourn. Motion Passed Unanimously. **LDP-03-38**

The meeting of the Board of Legal Document Preparers adjourned at 2:34 p.m.